

RE: PETITION FOR ZONING VARIANCE • BEFORE THE
8700 Silver Hall Road, 30 ft. • ZONING COMMISSIONER
N.W. of Silver Spring Road •
8700 Silver Spring Road •
11th Election District • OF BALTIMORE COUNTY
9th Councilmanic District
William Panagiotou, et al • Case No. 92-121-A
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance seeking relief from the strict requirements of Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a 6 ft. wooden residential occupancy fence to adjoin the front of a residential lot.

The Petitioners/property owners, William and Diana Panagiotou, appeared at the hearing without counsel. The only other individual appearing at the hearing was John Soles, who resides immediately next door and objects to the Petition.

Testimony offered by both sides largely centered upon the unfortunate personal relationship of these neighbors. Clearly, these neighbors greatly dislike one another. Truly, a Hatfield/McCoy situation exists in this community. Although, it is indeed unfortunate that both sides have expended so much time and energy in their personal vendetta against the other, my inquiry is restricted only to the merits of the Petition before me.

Testimony established that the Petitioners reside on a corner lot which is located adjacent to the intersection of Silver Spring and Silver Hall Roads. Their property is known as 8700 Silver Hall Road and the immediate dwelling thereon faces Silver Hall Road. The Petitioners have

proposed met, in fact, built a 6 foot high wooden fence on their rear yard property line. The fence is actually 5 ft. of solid wood construction with an additional 1 ft. section of lattice at the top. The Petitioners claim that a fence is needed for privacy and because they have three (3) small children who regularly play in their back yard.

The need for the variance is actually created by the somewhat unusual configuration of Mr. Soles' lot and the orientation of the house thereon. He resides at 8700A Silver Hall Road, immediately to the rear of the Panagiotou lot. As is shown on Petitioners' Exhibit No. 1, the only public street which Mr. Soles' property abuts is Silver Spring Road. However, notwithstanding the lot's placement, next to this road, the dwelling bears an address of 8700A Silver Hall Road and the rear yard of the property is situated so as to border Silver Hall Road. Further, access to the Soles' lot is by a driveway which is located upon an ingress and egress easement on the Panagiotou lot. Simply stated, the variance is required because of the unusual orientation of the Soles' dwelling which places the proposed fence immediately adjacent to the Soles' front/side yards in contradiction to the strict requirements of Section 427 of the B.C.Z.R.

Mr. Soles objects to the placement of the fence. He claims that its location diminishes the site distance when he is exiting his lot across the easement/driveway and also fears for the safety of children who may be playing near the easement. However, a close examination of the photographs and plat offered reveals that the site distance would not be encumbered by the placement of the fence and, indeed, this concern is far out weighed by the desirability of placing the fence between these neighbors and for the reasons offered by the Petitioners.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soles, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of January, 1992 that a variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a wooden 6 ft. residential occupancy fence to adjoin the front of a residential lot, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/emh

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 427

to allow a wooden 6 foot residential occupancy fence to adjoin the front of a residential lot

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):

A permit was issued for the fence and approved by the Zoning office. Only after the fence was constructed was it determined that a variance is required.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

William Panagiotou
(Type or Print Name)
Signature
8700 Silver Hall Road
Perry Hall, MD 21128
City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)
Signature

Address

Attorney's telephone number

Legal Owner(s):

William Panagiotou
(Type or Print Name)
Signature
Diana Panagiotou
(Type or Print Name)
Signature

8700 Silver Hall Rd 92-0371
Address
Perry Hall, MD 21128
City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
William Panagiotou
Name
8700 Silver Hall Rd 554-5577
Address

ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be posted on the property on or before the ____ day of ____, 19__.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this ____ day of ____, 19__, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County.



REVIEWED BY: SPAC DATE: 9/1/91

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 8700 Silver Hall Road
Perry Hall, MD 21128
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty)

see petition for residential variance
on opposite side

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

William Panagiotou
AFFIANT (Handwritten Signature)
William Panagiotou
AFFIANT (Printed Name)

Diana Panagiotou
AFFIANT (Handwritten Signature)
Diana Panagiotou
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 11th day of September, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

William H. Panagiotou / Diana Panagiotou

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/11/91
DATE

Olivia Hargy Matthews
NOTARY PUBLIC

My Commission Expires: 11/1/93

ZONING DESCRIPTION

Beginning at a point on the west side of Silver Hall Road which is 50 feet wide at the distance of 37 feet north of the centerline of the nearest improved intersecting street which is Silver Spring Road which is 60 feet wide. Being Lot #5, Block B, in the subdivision of Village of Silver Hall as recorded in Baltimore County Plat Book #E.H.K. JK. No. 55, Folio #75, containing 7200 square feet (0.165 acres in lot). Also known as 8700 Silver Hall Rd., Perry Hall, Maryland, 21128, and located in the 11th Election District.

92-121-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 11th Date of Posting: 9/1/91
Posted for: William H. Panagiotou, et al
Petitioner: William H. Panagiotou, et al
Location of property: 8700 Silver Hall Rd, Perry Hall, MD 21128
Location of Sign: on opposite side of Silver Hall Rd
Remarks: see petition for residential variance
Posted by: William H. Panagiotou Date of return: 9/1/91
Number of Signs: 4

RECEIVED
OCT 3 1991

ZONING OFFICE

Suite 113 Conthouse
400 Washington Avenue
Towson, MD 21244

(410) 887-4886

January 21, 1992

Mr. and Mrs. William Panagiotou
8700 Silver Hall Road
Perry Hall, Maryland 21128

RE: Petition for Zoning Variance
Case No. 92-121-A

Dear Mr. and Mrs. Panagiotou:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:emh

att:

cc: Mr. John Soles

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or at 496-7364

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Roster Seals
Bowling Benefit

Registration is under way for the Roster Seals bowling-dinner to be held on Sun., Nov. 17. Lanes have been reserved at Parklane Bowling Centers near Dundalk, Middlebrook, Laurel, Pershing Parkway, Timonium, Rolling Road, Ritchie and Pikesville; it costs no money to reserve a lane and bowling time. For more info., call 355-0100.

Cholesterol Program
At BCGH

Baltimore County General Hospital will present "The season community education pro-gram," on Tuesdays, Nov. 12 & 19 from 1-4 p.m. and on Wednesdays, Nov. 13 & 20 from 6:50-9:30 p.m. Classes meet in the Administrative Services Bldg. The fee is \$7 for each of the two-session programs. To register, call 921-9968.

Vendors Needed
For Bazaar

The Beth Israel PTA is sponsoring a Christmas Bazaar on Sun., Nov. 10 from 10 a.m.-2 p.m. All interested vendors can call Helene at 922-4294 or Tam at 922-6974 for more info.

LEGAL NOTICE

BALTIMORE COUNTY GOVERNMENT
ZONING COMMISSIONER
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21284

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning herein located at 111 N. Chesapeake Avenue in Towne Square II Phase 2 as follows:

Case Number: 80-321-A
NEC Sunsetter Road, 30' W of Grl Street Spring Road

First Election District—And Councilmember: Paul H. Morgan, Jr.
Second Election District—And Councilmember: Paul H. Morgan, Jr.
HEARING: TUESDAY, NOVEMBER 16, 1991 at 10:30 a.m.

Variance to allow a window & E residential signifying fence to adjoin the front of a residence shall be:

Lorraine E. Schmidt
President
of Baltimore County

6 November, 1991 / Northwest STAR / Page 11

CERTIFICATE OF PUBLICATION


TOWSON, MD., June 7, 1991


THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 7, 1991.

THE JEFFERSONIAN,

S. Zabo Delmar
Publisher

32-83

 **Baltimore County**
Zoning Commissioner
County Office Building
121 West Chesapeake Avenue
Towson, Maryland 21204




Date _____

Account: R 001 6150
Number _____

Please Make Checks Payable To: Baltimore County

Cashier Validation _____

Baltimore County
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

888 3584


OCTOBER 28, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:


CASE NUMBER: 92-121-A
W/S Silver Hall Road, 30' W of c/l Silver Spring Road
8700 Silver Spring Road
266 Election District - 2nd Councilmanic
Petitioner(s): William Panagiotou, et ux
HEARING: TUESDAY, NOVEMBER 26, 1991 at 10:30 a.m.

Variance to allow a wooden 6 ft. residential occupancy fence to adjoin the front of a residential lot.


Lawrence E. Schmidt
Zoning Commissioner of
Baltimore County

cc: William Panagiotou, et ux
John Soles

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning



111 West Chesapeake Avenue
Towson, MD 21204

September 25, 1991

COPY 887-5554

William and Diana Panagiotou
6700 Silver Hall Road
Perry Hall, Maryland 21128

Re: CASE NUMBER: 92-121-A
LOCATION: W/S Silver Hall Road, 30' W of c/l Silver Spring Road
6700 Silver Hall Road

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee for the administrative process.

1) Your property will be posted on or before October 6, 1991. The closing date is October 21, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
(301) 887-5391

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
October 22, 1991

Mr. & Mrs. William Panagetou
8700 Silver Hall Road
Perry Hall, MD 21128

RE: Item No. 130, Case No. 92-121-A
Petitioner: William Panagetou, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Panagetou:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: October 22, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
16th day of September, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: William Panagetou, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Romano Property, Item No. 127
Cochran Property, Item No. 129
Panagetou Property, Item No. 130
Cernak Property, Item No. 135
Noravian Property, Item No. 137
Frantz Property, Item No. 138
Sedlak Property, Item No. 140
Smoot Property, Item No. 141

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEMS127/TXTRO2

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(301) 887-4500

OCTOBER 1, 1991

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: WILLIAM PANAGETO
Location: 8700 SILVER HALL ROAD
Item No.: 130 Zoning Agency: OCTOBER 1, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWED: *James E. Dyer* Noted and Approved
Special Inspection Division Fire Prevention Bureau

JP/FFF

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 27, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for October 1, 1991

The Development Engineering Division has reviewed the subject zoning items and we have no comments for Items 127, 129, 130, 131, 132, 133, 135, 137, 138, 139, 140 and 141.

For Item 134, this subdivision is okay, with no comments needed.

For Item 136, the comments are received until the County Review Group plan is submitted. However, sideyard setback dimensions may change as a result of the County Review Group comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Development Engineering Division

DWB:s

BALTIMORE COUNTY, MARYLAND
Inter-office Correspondence

TO: Owen Stephens
Docket Clerk, Office of Zoning

DATE: March 11, 1992

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case No. 92-121-A
Petitioner: William Panagetou

Please be advised that I have responded to Mr. William Panagetou's letter dated March 4, 1992 (attached) requesting the retrieval of his photographs, a plat of the property and related documents from the above captioned case. I called Mr. Panagetou today and informed him that he could obtain the documents from the file. I asked him to sign and date the bottom of his letter (attached hereto) to verify that he picked-up the materials he requested.

LES:mmm
att.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

November 29, 1991

Mr. William Panagetou
8700 Silver Hall Road
Perry Hall, Maryland 21128

RE: Petition for Residential Variance
8700 Silver Hall Road, Perry Hall
Case No. 92-121-A

Dear Mr. Panagetou:

This is to acknowledge receipt of your letter dated November 21, 1991 and to follow up my telephone conversation with your wife of Friday, November 22, 1991.

I do not know why you did not receive notice of the zoning hearing scheduled for your property on November 26, 1991 at 10:30 A.M. until last week. According to my file, notice of the hearing was sent to you by letter dated October 28, 1991.

However, I agree that you would not have adequate time to prepare for the hearing on such short notice. Therefore, I have postponed the hearing scheduled for November 26, 1991 and same will be reset shortly. You can expect to receive notice of the new date which I suspect will be after the first of the new year.

Further, I will again state my reasons for scheduling this matter for a public hearing. As I discussed with both you and your wife, the Baltimore County Code allows me to schedule Petitions for Residential Variances, such as yours, for public hearings when it is deemed appropriate, in my discretion. In this case, I felt that such a hearing should be scheduled so that I would have the opportunity to hear all of the arguments, both pro and con, regarding this variance. As I explained to your wife, I believe that it be most fair to all concerned to give everyone "their day in Court". Further, I cannot emphasize enough that I have made no decision, nor developed any predisposition towards the variance. The case will be randomly assigned for a hearing to either myself, or my Deputy, Timothy M. Kotroco. Either of us will decide the case based upon the facts and information presented at the hearing.



111 West Chesapeake Avenue
Towson, MD 21204

October 24, 1991

887-3353

William and Diana Panageotou
8700 Silver Hall Road
Perry Hall, Maryland 21128

COPY

Re: CASE NUMBER: 92-121-A

Dear Petitioners:

Please be advised that your file has been reviewed. The Commissioner's Office did not grant or deny the requested relief. Instead it was determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in two local newspapers and that you will be billed for the reposting and advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
of Baltimore County, Maryland

8700 Silver Hall Road
Perry Hall, Maryland 21128

January 15, 1992

Mr. Lawrence Schmidt
Zoning Commissioner of Baltimore County
Baltimore County Courthouse
Towson, Maryland 21204

Case Number: 92-121 A

Dear Mr. Schmidt,

Please consider the attached document from The Silverhall Homeowner's Association. It concerns their official recommendation on the fence along the property line between my back yard and 8700A Silver Hall Road. I would have liked to have presented this document at the hearing in support of my position; however, I just received this in the mail yesterday.

Sincerely,

William Panageotou
William Panageotou

8700 Silver Hall Road
Perry Hall, MD 21128

March 4, 1992

Mr. Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
Suite 113 Courthouse
Towson, MD 21204

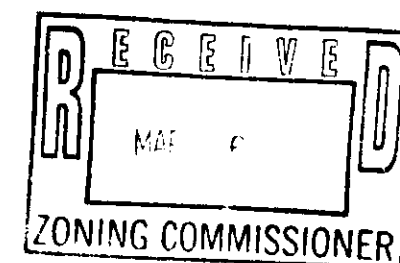
RE: Case No. 92-121-A

Dear Mr. Schmidt:

I am requesting that the evidence I submitted in the above referenced case be returned. The evidence includes photographs, a plat of the property, and related documents. I would prefer to pick up this material in person and as soon as possible. I can be reached at work during the day at 554-5516 or at home at 931-0371.

Sincerely,

William Panageotou
William Panageotou



Lawrence E. Schmidt
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

October 21, 1991

Dear Commissioner,

This letter is in regards to a variance request from William G. Panageotou at 8700 Silver Hall Road (Case # 92-121-A). I would like to file a strong objection to his variance request.

The fence in question abutts against the front of my property. On or about the first of June 1991 I discovered, after Panageotou put up his fence, that it was in violation of county codes. Further investigation indicated that he was untruthful on his application. He indicated that he fence would not abutt against the front of anyone's house or property. This can be the only reason that the county issued him a permit -- under false pretenses!

I filed this complaint because:

A. It is a safety hazard. He has three small children who frequently run around the yard. Many times they are not supervised well. Sometimes the parent is around front and the kids run down the side of their yard to the backyard. This six foot high wood picket fence extends 15 feet along the front of my house to within 5 feet of our driveway. The zoning violator, William G. Panageotou, does not have his backyard completely fenced in. Whatever is happening behind this fence is a dangerous blind spot to us as we try safely to back up our driveway. I do not believe a fence should be here at all, but at least a 40 inch high fence would help eliminate this blind area.

B. This fence hides our house from Silver Hall Road making it difficult for delivery people to find us and makes it look unattractive to anyone visiting the house (Who would want a 6 foot high fence that extends 15 feet in the front of their house?). For these reasons it probably would hurt our property value, or at least make it more difficult to sell at some point in the future.

C. Granting the Panageotou's a variance for a 6 foot high fence along the front of our property would set the wrong precedent for future problems of this type. Your decision could result in our other neighbor building a 6 foot high fence in his backyard and along the front of our property. Our house would then look like a fort, which

Silverhall Homeowner's Association
Architectural Committee
P.O. Box 43432
Baltimore, MD 21236-0432

5 January 1992

Mr. and Mrs. William Panageotou
8700 Silver Hall Road
Perry Hall, MD 21128

Dear Mr. and Mrs. Panageotou,

The Architectural Committee of the Homeowner's Association of Silverhall met December 12, 1991 and found approval of your proposed storage shed and its location as presented to them, pending the status of your property's account with the Homeowner's Association showing "paid to date".

It is the official recommendation of the committee however that the privacy fence also be maintained between the two properties of 8700 and 8700A Silver Hall Road. This, in the committee's opinion, is the most aesthetic solution and treatment between the properties. A further recommendation would be to continue the fence alongside the driveway easement and therefore enclose the usable backyard property of 8700 Silver Hall Road.

We wish to express our appreciation in your petitions to the committee and wish you enjoyment of your Silverhall property.

Sincerely,

The Architectural Committee
of the Silverhall Homeowner's Association.

SH/elf

8700 Silver Hall Road
Perry Hall, Maryland 21128

November 21, 1991

Mr. Lawrence Schmidt
Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Variance Case No. 92-121-A

Dear Mr. Schmidt:

Today I received your notice advising me that the hearing you ordered is scheduled for Tuesday, November 26, 1991, at 10:30 a.m. and that \$81.83 is due for advertising and posting for the hearing. I find this very shocking. In your last correspondence to me dated October 24, 1991, you informed me of your decision to order a public hearing and that a formal notification of the hearing date would be forwarded to me. Giving me four days notice of the hearing, however, is extremely unreasonable and, I would surmise, a violation of Baltimore County Zoning Regulations. Needless to say, given the circumstances, the charge for advertising and posting of this hearing date, of which I was not even aware, is incomprehensible and absurd.

As you are very well aware through our phone conversation on October 23, 1991, and through my letter to Arnold Jablon dated November 8, 1991, I feel strongly that your decision to order the hearing was biased by Mr. Soles' letter and phone call to you and that you are violating the use of your discretionary powers to order the hearing. Rather than allow Mr. Soles this one sided forum, either yourself or the staff in the zoning office should have advised him to properly apply for a hearing where he could present his objections in compliance with the law.

I have now taken this matter to Mr. Roger B. Hayden, County Executive of Baltimore County, to review the propriety of your decision to order a hearing. I am requesting that the hearing date of November 26, 1991, be waived until Mr. Hayden has reached a decision as to the propriety of your order.

Sincerely,

William Panageotou
William Panageotou

John Soles
8700 A Silver Hall Road
Perry Hall, Maryland 21128
(301) 931-1984

October 21, 1991

Dear Commissioner,

This letter is in regards to a variance request from William G. Panageotou at 8700 Silver Hall Road (Case # 92-121-A). I would like to file a strong objection to his variance request.

The fence in question abutts against the front of my property. On or about the first of June 1991 I discovered, after Panageotou put up his fence, that it was in violation of county codes. Further investigation indicated that he was untruthful on his application. He indicated that the fence would not abutt against the front of anyone's house or property. This can be the only reason that the county issued him a permit -- under false pretenses!

I filed this complaint because:

A. It is a safety hazard. He has three small children who frequently run around the yard. Many times they are not supervised well. Sometimes the parent is around front and the kids run down the side of their yard to the backyard. This six foot high wood picket fence extends 15 feet along the front of my house to within 5 feet of our driveway. The zoning violator, William G. Panageotou, does not have his backyard completely fenced in. Whatever is happening behind this fence is a dangerous blind spot to us as we try safely to back up our driveway. I do not believe a fence should be here at all, but at least a 40 inch high fence would help eliminate this blind area.

B. This fence hides our house from Silver Hall Road making it difficult for delivery people to find us and makes it look unattractive to anyone visiting the house (Who would want a 6 foot high fence that extends 15 feet in the front of their house?). For these reasons it probably would hurt our property value, or at least make it more difficult to sell at some point in the future.

C. Send a message to people that being untruthful on an application will not be looked on favorably. The zoning violator, William G. Panageotou, took down the sign for variance request 1st thing Monday morning the 21st of 1991. As I understand it, someone like this is required to post the sign at all times up until the time allowed to request a hearing or file an objection. He did

*Obviously, this is a Hatfield
McGoy situation. I spoke to both
neighbors & at my discretion
as set forth in 26-127(b)(2),
I ordered a hearing. I told
both neighbors I would not
hear the case by telephone but
thought a public hearing was in
order. LBS*

Dear Mr. Jablon:

I am writing to you in an attempt to correct an untenable situation which is being perpetrated upon me by Mr. Lawrence Schmidt, Zoning Commissioner of Baltimore County, Maryland. Please refer to the documents in my file for reference.

On February 27, 1991, I applied for a permit to extend a 6 foot high board on board wooden fence an additional 40 feet along the property line in my back yard. At the time I applied for the permit at the Department of Permits and Licenses, I was sent to the Zoning Office to have my plans reviewed. I was asked many questions by the zoning official at the counter about the adjacent properties and showed a plat of my property and the adjacent properties to him. The subject that the final 15 foot section of my fence in my back yard would front my adjacent neighbors', Mr. and Mrs. John Soles, front yard was discussed. However, it was in the zoning official's judgement that he approve the permit to be issued (No. B083690) because immediately behind this section of the fence is a two vehicle carport.

I had this fence constructed at a great cost to me by the Long Fence Company. Mrs. Soles objected to the workers stepping over the property line to construct the board on board fence and threatened to shoot any trespassers. Therefore, I had no other recourse but to take down 85 feet of existing fence and have the entire 125 feet of fence reconstructed as a solid fence at an even greater cost to me. In addition, the Baltimore County Police were called on each of the four days it took to construct the fence because of Mrs. Soles threats and because she would not allow the workers to get to my back yard by driving over the driveway easement that connects the Soles landlocked property with Silver Hall Rd. The Soles have wrongfully and repeatedly claimed to the Police that the driveway easement over my property as their own private property. During the construction period they blocked the driveway easement with their car until the Police forced them to move. Mr. Mark Spurrier of the Baltimore County Police, Legal Division was involved in this matter and set the record straight with the Police Department as to who actually owns the driveway easement.



Mr. William Panageotou
8700 Silver Hall Road
Perry Hall, Maryland 21128

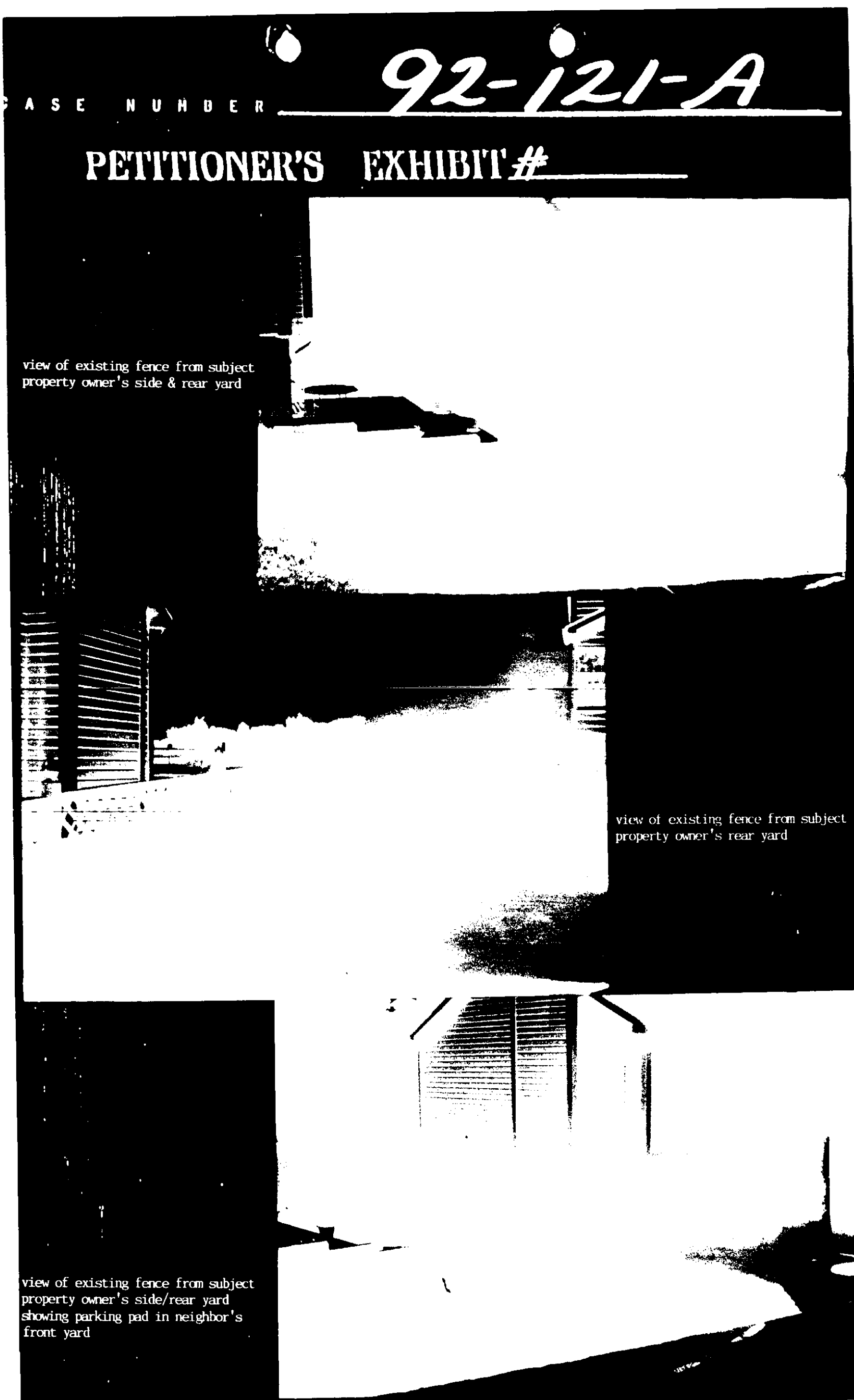
RE: Case No. 92-121A

Dear Mr. Panageotou,

I am in receipt of your letter dated 8 November 1991. Indeed, I took the liberty of sharing it with the Zoning Commissioner, Lawrence Schmidt. He indicates that the decision to order a hearing on your requested variance was his alone, pursuant to the authority vested in him by section 26-127(b)(2) of the Baltimore County Code. In fact, he did speak with both yourself and the neighbor, and told you both that he would not hear the case by telephone but thought that a public hearing should occur.

The County Code provides the discretion to the Zoning Commissioner to do so, and I have no authority to overrule him. I can, however, tell you that Commissioner Schmidt is extremely fair and impartial. He will hear the evidence and take testimony, and then make a decision based on the law and the facts presented to him. I can assure you that whatever decision he makes will be untouched by partiality.

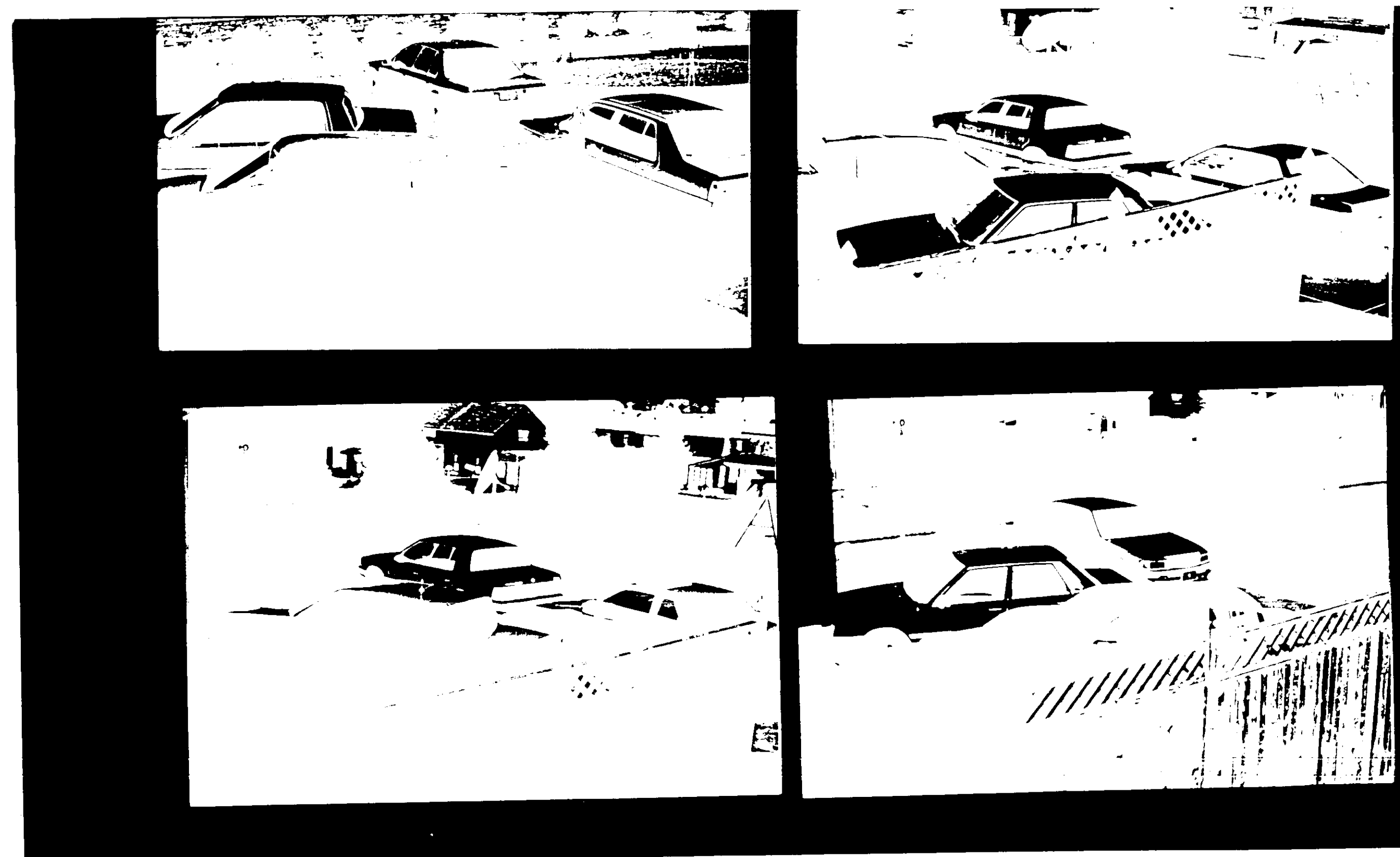
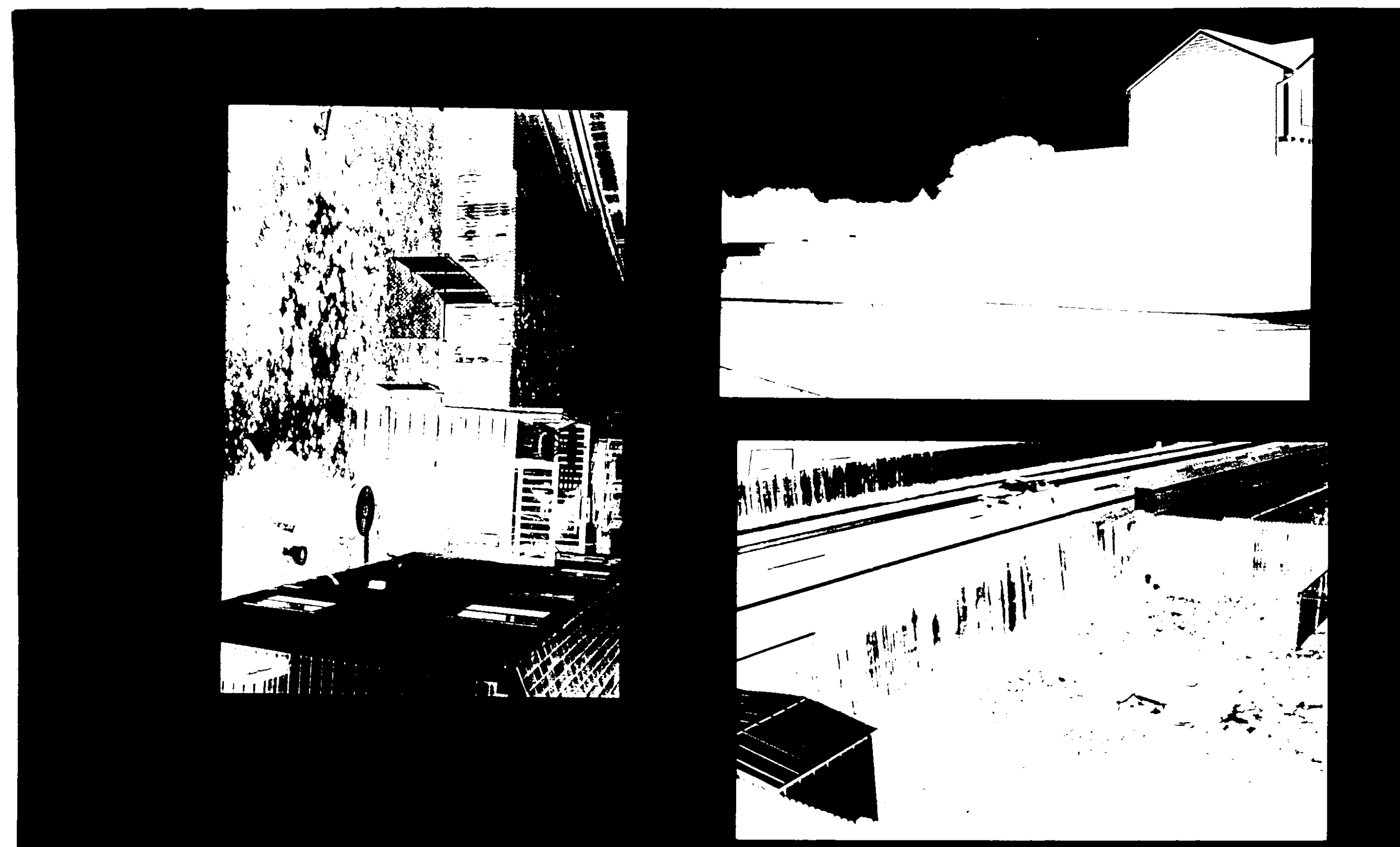
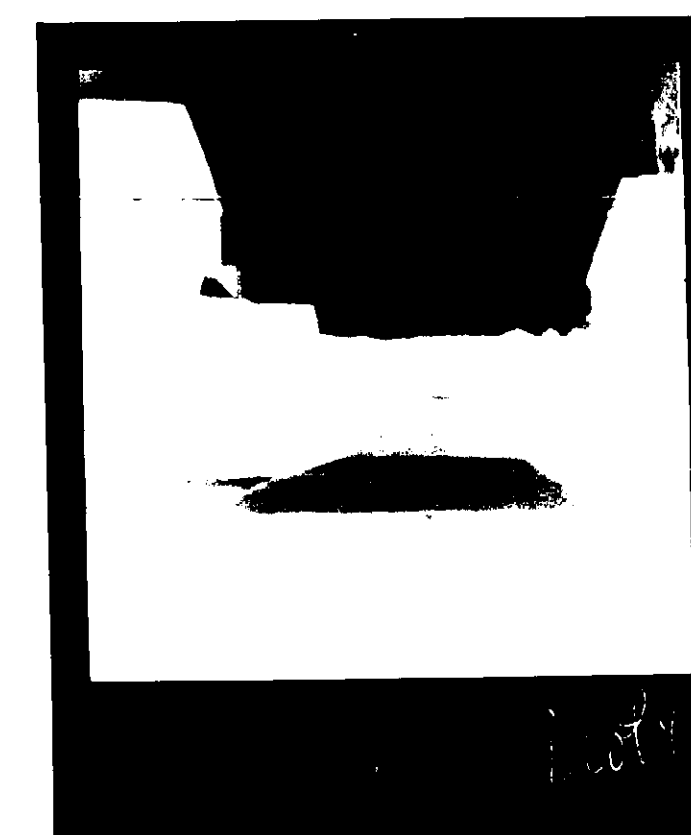
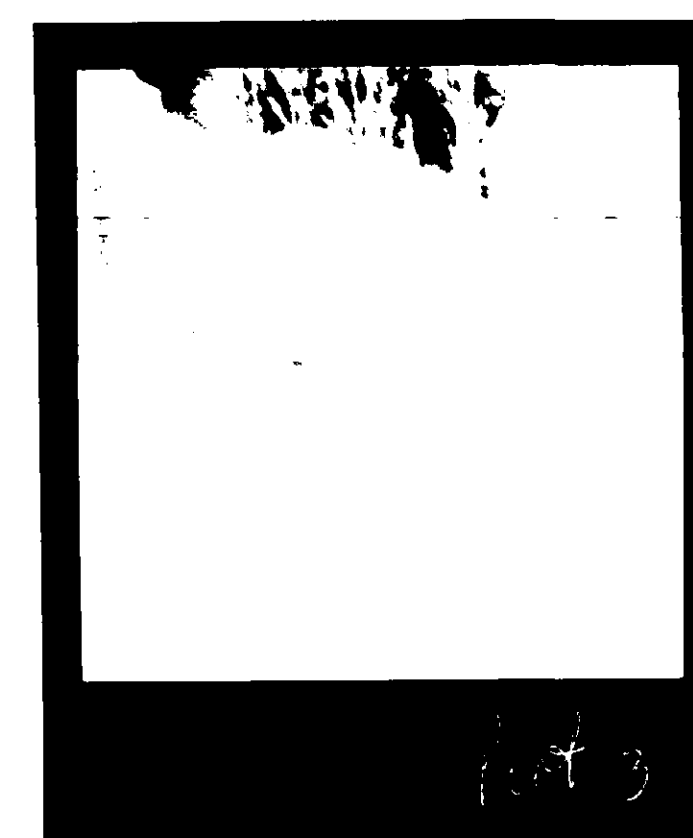
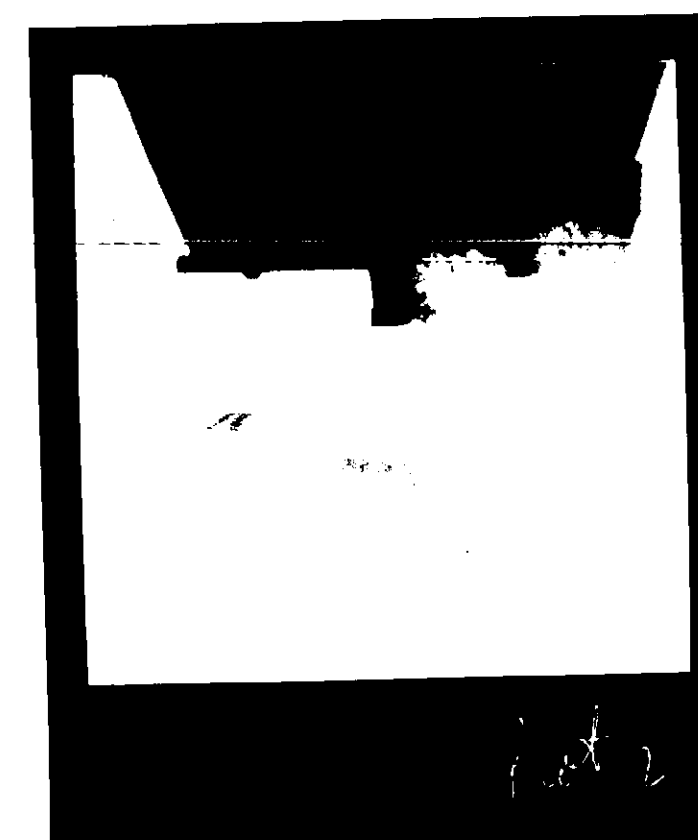
While I empathize with your situation, and I cannot provide you with legal advice, I suggest to you that the Commissioner did not treat the request for a hearing filed by your neighbor to be in compliance with the law. Rather, he reviewed the file and determined in his discretion that a hearing should be required. Certainly, you can raise the issue at the time of the hearing, and, if you do not receive a favorable decision, raise whatever issues you deem appropriate on appeal to the Board of Appeals of Baltimore County.

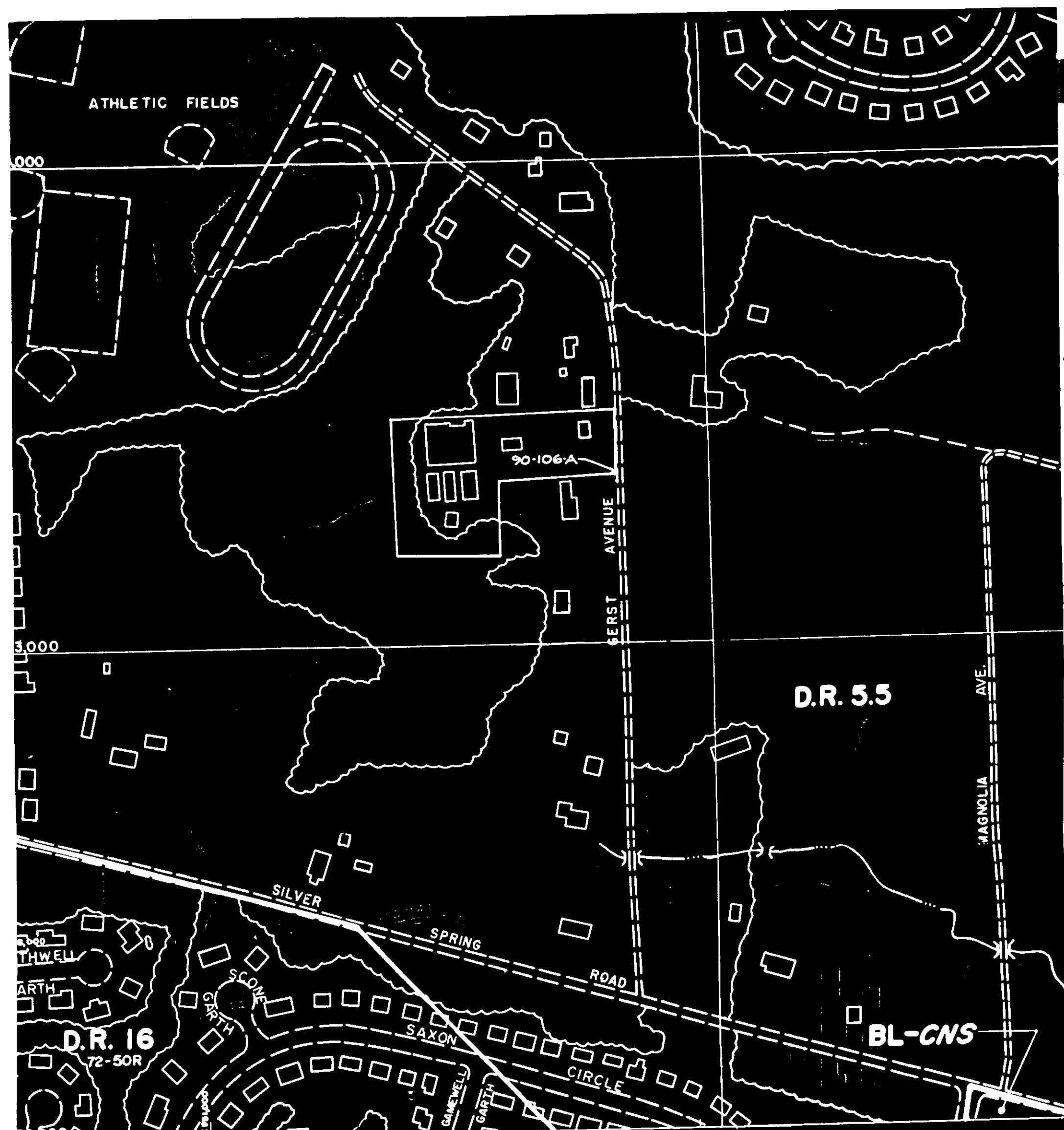


Baltimore County Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Mr. William Panageotou
8700 Silver Hall Road
Perry Hall, Maryland 21128

Photographs





1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bill Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Chairman, County Council

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 8700 Silver Hall Road
Subdivision name: Village of Silver Hall
Plat book: E.H.K. folio 55, lot 5, section 13
OWNER: William & Diana Panageotou

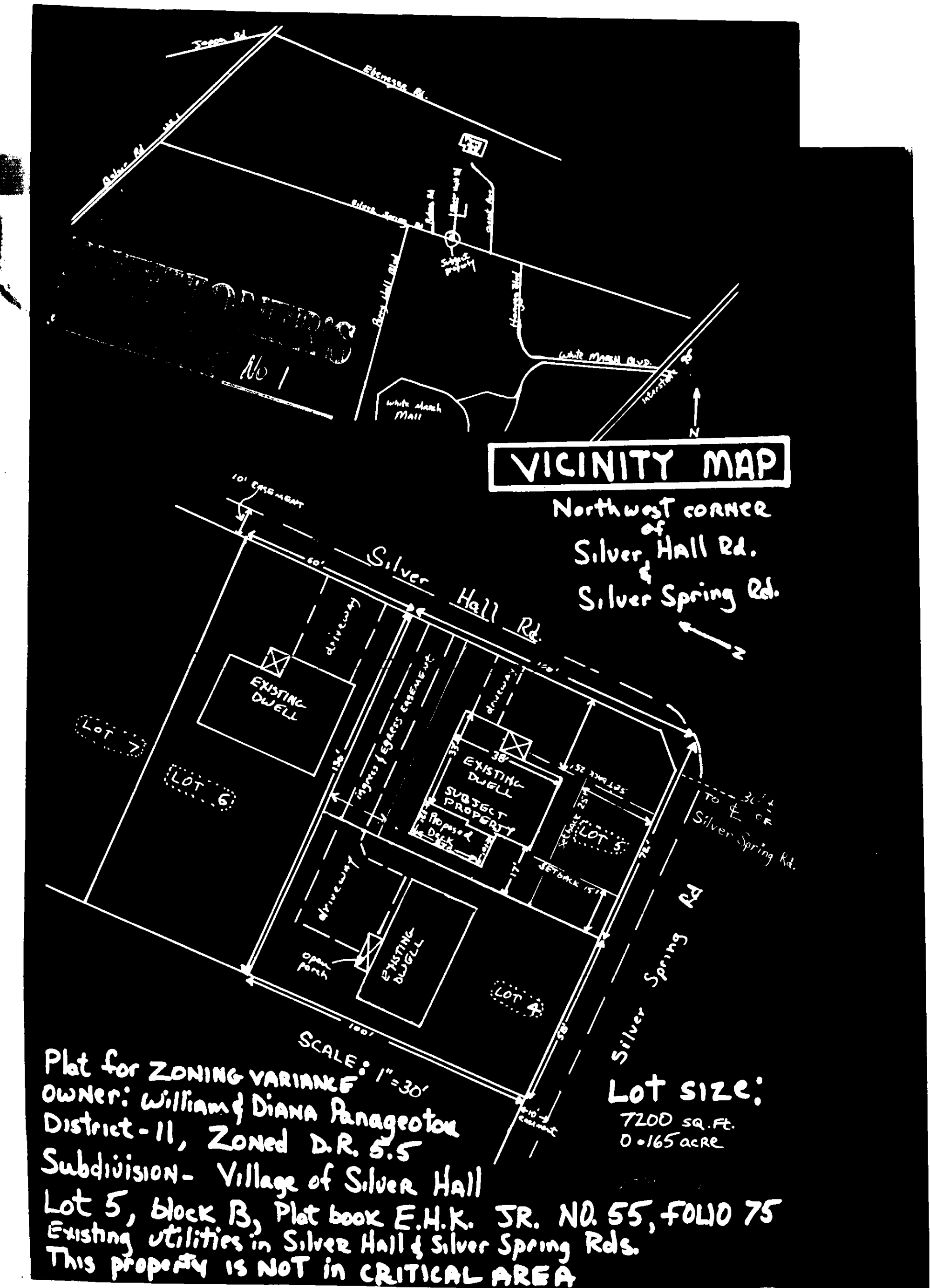
92-121-A

North
date: 9-10-91
prepared by: WGP

Scale of Drawing: 1" = 50'

LOCATION INFORMATION
Councilmanic District: 5
Election District: 11
1"=200' scale map:
Zoning: D.R. 5.5
Lot size: 0.165 acreage 7200 square feet
SEWER: ☒
WATER: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: No. 90-473-A

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:
DAG 130



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	WHITE MARSH PERRY HALL VICINITY	NE 9-H
DATE OF PHOTOGRAPHY JANUARY 1986		